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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,277	11/02/2005	Takuya Ando	Q91237	4620

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EXAMINER	
RENWICK, REGINALD A	

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3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/555,277	ANDO, TAKUYA	
	Examiner	Art Unit	
	REGINALD A. RENWICK	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent No. 6,364,765) in view of Tessmar (U.S. Patent 7,052,392).

Re claims 1, 7, and 10 : Walker discloses a game machine consisting of : an identifier, unique to each of the stations wherein the identifier is a client identifier (column 4, lines 2-3; column 7, lines 3-16); and a receiver, which receives personal information from the player (column 6, lines 4-7, 29-32); a first storage, which stores the personal information while associating with the identifier, with respect to each of the stations (column 10, lines 6-14); a second storage, which stores a first play record of the player while associating with the player information, with respect to each of the stations (column 10, lines 14-25) wherein the first play record is a timestamp; a judge, which judges whether there exists a second play record which satisfies a first prize requirement among the first play records stored in the second storage (column 8, lines 16-30; column 14, lines

58-67; column 15, lines 1-2); a first specifier, which specifies a player who satisfies the first prize requirement in a case where there exists the second play record, with reference to the player information associated with the second play record (column 14, lines 58-64); a second specifier, which specifies a station at which the player specified by the first specifier plays, with reference to the identifier associated with the personal information referred by the first specifier (column 15, lines 2-9).

Although Walker discloses a secondary game in which a player is specified by the first specifier (Abstract), Walker fails to disclose a condition arranger, which changes a condition of the game performed at the station specified by the second specifier so as to be more advantageous to the player specified by the first specifier, and maintains the changed condition until a cancel condition is satisfied. However, Tessmar discloses a condition arranger wherein the condition that is changed becomes more advantageous to the player during a bonus game (Title; Abstract; column 12, lines 4-30) and the condition remains until the bonus game is concluded (Abstract; column 12, lines 19-22). Furthermore the condition is enabled by the network in accordance with a specifier of the specific game machine (column 6, lines 7-10). It would have been obvious to one skilled in the art to offer an advantage to a player for the purpose of attracting players who prefer skill based game where they have a greater likelihood for winning.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Tessmar in view of Seelig et al. (U.S. Patent No. 5,997,400).

Re claims 2 and 3: Walker/Tessmar significantly meets the limitations of claim of claims 2 and 3 except for disclosing that the first prize requirement is arranged in each of a plurality of classes where the higher one of the classes is more difficult to be satisfied. Seelig et al. discloses that prizes requirement is arranged in each of a plurality of classes based on the final placement of the horse in which payment is greater for the player who's horse that finishes in the higher position. Certainly because one has to move past a plurality of horses, then it would be more difficult to achieve first place in the race (column 3, lines 17-24; column 4, lines 5-13). It would have been obvious to one skilled in the art to incorporate the placing order or Seelig et al. into the horse racing game of Price/Tessmar for the purpose of imitating real horse racing on an electronic device.

4. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Price (U.S. Patent No. 6,776,715) in view of Tessmar in view of Palmer et al. (U.S. Patent No.6,939,224).

Re claims 4 and 9: Walker does not specifically disclose that a first amount of a gaming value is inputted by each player to execute the game, and a second amount of the gaming value is outputted to each player as a result of the game; and the master machine manages the second amount of the gaming value in each of the gaming

machines. However Price discloses such (column 4, lines 51-67; column 5, lines 1-4). It would have been obvious to combine Walker with the game controller of Price as it is commonly known in the art that game machines operate through the use of inputted credits. However Walker/Price do not disclose that the amount outputted is in accordance with an one hundred percent or less ratio of the first. However Palmer et al. discloses a gaming device having varying risk player selections that a computer can adapt the payout of horses to be lower than the player's wager or the payout can be zero (column 3, lines 44-50. Because Palmer et al. discloses a range for payout inclusive of a payout range of 0% to 100% of the player's initial wager, the game device incorporates the limitation of a payout between 0% and 100%. It would have been obvious to try to incorporate the percentage range of Palmer et al. with the game machine of Walker/Tessmar/Price in combination, for achieving the predictable result where a player might not recoup their initial wager for reasons that there was no risk in that particular wager.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Tessmar in view of Price in view of Palmer et al. in view of Barrie et al. (U.S. Patent No. 4,837,728).

Re claim 5: Walker as modified by Tessmar significantly meets the limitations of claim 5, except for disclosing an accumulator, which accumulates a third amount of the gaming value which is predetermined ratio of the first amount; and a bonus presenter, which

outputs all the gaming value accumulated in the accumulator is outputted to a station associated with a player who satisfies a second prize requirement. Barrie et al. discloses an accumulator, which accumulates a third amount of the gaming value which is predetermined ratio of the first amount (column 1, lines 19-49; column 2, lines 1-20); and a bonus presenter, which outputs all the gaming value accumulated in the accumulator is outputted to a station associated with a player who satisfies a second prize requirement (column 1, lines 19-49). It would have been obvious to one of ordinary skill in the art to incorporate an accumulator and bonus presenter as disclosed by Barrie et al., to improve on the game system of Walker/Price/Tessmar in combination for achieving the predictable result of drawing casino attendees to the game machines with the excitement produced an increasing and substantial bonus jackpot.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Tessmar in view of Price in view of Palmer et al. in view of Nakagawa et al. (U.S. Patent No. 6,019,369).

Re claim 6: Nakagawa et al. discloses that the game machine comprises of a horse racing game in which the player bets the first amount of the gaming value with respect to at least one of the horses; the player receives winnings in accordance with the result of the game and odd; and the condition of the game includes at least the odds (column 4, lines 51-67; column 5, lines 1-4). It would have been obvious to one skilled in the art to place odds on the participant horses in the game of Walker/Tessmar combination so

as to mimic a real horse racing gambling environment, which would have encouraged more casino attendees to play the game.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Tessmar in view of Hanai (U.S. Patent No. 5,816,920).

Re claim 8: Walker and Tessmar in combination significantly meets the limitations of claim 8, except for disclosing that the master machine is located in a game machine. However discloses Hanai, which discloses a game system and method of entering game system in which a master machine is located in a game machine (Abstract). It would have been obvious to one in the art to place a master machine in a game machine for the purpose of adding game machines to a collection of game machines that are currently occupied with customers which would eliminate the problems of complex re-entry procedure of game machines as well and the halting of all the game terminals that are operating which loses money for the casino.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Tessmar in further view of Barrie (U.S. Patent No. 5,833,537).

Re claim 10: Walker and Tessmar in combination fail to disclose the limitations of claim 10. However, Barrie discloses a condition arranger wherein the condition increases the percentage of payout to the player because a persistent condition in the form of a

multiplier increases the percentage of payout from a given payline (Abstract; column 4, lines 66-67; column 6, lines 1-23). It would have been obvious to one skilled in the art to attract players by offering the advantage of a larger payout increase.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Tessmar in further view of Feritta et al (U.S. Patent No. 6,302,793).

Re claim 11: Walker fails to disclose that first play record comprises at least one of a number of credits wagered by the player in a previous round of wagering on the game, a number of credits won by the player in the previous round of wagering on the game, a total number of credits wagered by the player, and a total number of credits won by the player. However, Feritta discloses the storing of a total number of credits wagered by the player (column 1, lines 26-48; column 2, lines 46-57). It would have been obvious to one skilled in the art to modify the claim limitations of Walker and Barrie in combination to incorporate the storing of wagering information of Feritta for the purpose of rating players.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi (U.S. Patent No. 5,547,192) in view of Walker.

Re claim 12: Ishibashi teaches a gaming machine comprising:

A plurality of stations, each of the stations, at which a player plays a game, the game including a plurality of levels wherein a higher level among the plurality of levels of the game is more difficult for the player to attain than a lower level among the plurality of levels of the game (column 3, lines 27-40; column 4, lines 23-26) comprising:

An identifier, unique to each of the stations (column 4, lines 56-60); and

A first storage unit, which stores personal information of the player and, if the player is playing the game, which associates the identifier of the station at which the player is playing the game with the personal information, with respect to each of the stations;

A judge, which judges whether the play record of the player satisfies one of a level promotion requirement and a level demotion requirement and which, if the play record satisifies the level promotion requirement, increases the level associated with the palyer, and which, if the play record satisfies the level demotion requirement, decreases the level associated with the player (column 6, lines 46-48; column 7, lines 3-6;) wherein the judge responsibilities is conducted by the CPU;

And a condition arranger which, if the judge increases the level associated with the player, changes a condition of the game performed at the station specified by the specifier so as to be more advantageous to the player based on the level of the player, and which, if the judge decreases the level associated with the player, changes the condition of the game performed at the station specified by the specifier so as to be less advantageous to the player (Abstract, column 2, lines 47-50; column 3, lines 31-40; column 8, lines 7-12, column 9, lines) wherein the condition is the probability of a successful outcome.

Ishibashi fails to disclose a receiver, which receives personal information from the player, the personal information including a level associated with the player and a specifier, which specifies a station among the plurality of stations at which the player is playing the game based on the identifier associated with the personal information stored in the first storage unit. However, Walker discloses such (receiver: column 6, lines 4-7, 29-32; specifier: column 15, lines 2-9). It would have been obvious to one skilled in the art to modify the invention of Ishibashi with the storing of personal information and identifying the information with the player station, for the purpose of knowing exactly which player has won a particular prize.

Re claim 16: Ishibashi discloses the condition of the game changed by the condition arranger associated with a higher level among the plurality of levels of the game is more advantageous to the player than the condition of the game changed by the condition arranger associated with a lower level among the plurality of levels of the game (column 6, lines 46-48).

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi in view of Walker in further view of Schneider (U.S. Patent 6,089,976).

Re claim 13: Ishibashi fails to disclose the limitations of claim 13, however Schneider discloses that the condition of the game comprises of a maximum wager amount of the

game available to the player (column 3, lines 17-36). It would have been obvious to one skilled in the art to modify the invention of Ishibashi with a condition that requires a maximum bet for the purpose of earning the casino more money by encouraging players to wager more.

11. Claims 14 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi in view of Walker in view of Boyd (U.S. PGPUB 2004/0092315).

Re claims 14 and 15: Ishibashi fails to disclose whether the play record of the player satisfies the level promotion requirement is determined based on whether at least one of the cumulative total number of credits won by the player on the game exceeds a first predetermined threshold associated with a next level that a higher than the level of the player and a ratio of the cumulative total number of credits won by the player on the game to the cumulative total number of credits wagered by the player on the game exceeds a second predetermined threshold associated with the next level. Ishibashi also fails to disclose whether the play record of the player satisfies the level demotion requirement is determined based on whether the ratio of the cumulative total number of credits won by the player on the game to the cumulative total number of credits wagered by the player on the game falls below a predetermined threshold associated with a previous level that is lower than the level of the player. However, Boyd discloses a rule creator for creating a bonus game at gaming machines that wherein the game can be triggered by a plurality of events (Fig. 15). However, as demonstrated by Boyd it

is well known in the art that triggering events are mere rules, and rules of a game can be created and adjusted according to the preferences of the operator. Therefore it would have been obvious to one skilled in the art to modify the triggering events of Ishibashi as it is a matter of design choice especially due to a variety of triggering events being previously disclosed within the prior art.

Response to Arguments

12. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

13. The Applicant has argued that because Tessmar teaches that the condition arranger takes place in a bonus game, the condition arranger is not applicable to a primary game. However, it is well known in the art that a game can have multiple rounds, levels, or sub-games, whose result each affect the overall outcome of the game. Thus, a bonus game is part of an overall game itself and can be the same type of game as the primary game (Tessmar: column 2, lines 15-20), and as a result, elements from a bonus game including a condition arranger can be used in other game elements such as the primary game of Walker. Furthermore, the examiner is not utilizing the bonus game of Tessmer for combination with Walker. The examiner is using the principle, and concept of the condition arranger of Tessmar that can be incorporated with the game of Walker, and not using the entire bonus game of Tesmmar.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,210,277 discloses a set of bonus game criteria. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

6/8/2009
/R. A. R./
Examiner, Art Unit 3714